13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1	ANDREW J. WEILL (SBN 073093)
2	weill@bwmlaw.com
2	BENJAMIN, WEILL & MAZER
3	A Professional Corporation
	235 Montgomery Street, Suite 760
4	San Francisco, California 94104
_	Telephone: (415) 421-0730
5	
6	RICHARD A. NEBB (SBN146239)
0	mebb@vierramagen.com
7	VIERRA MAGEN MARCUS & DENIRO LLI
	575 Market Street, Suite 2500
8	San Francisco, CA 94105
	Telephone: (415) 369-9660
9	
10	Attorneys for Defendant
10	PENINSULA COMPONENTS, INC.
11	D/B/A PENCOM
12	UNITED STATES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Case No. C07 04231 CRB [PROPOSED] ORDER GRANTING MOTION TO COMPEL PLAINTIFFS TO PRODUCE DAMAGES ANALYSIS Hearing Date: October 10, 2008 Hearing Time: 10:00 a.m.
Hearing Time: 10:00 a.m.))

This matter came on for hearing on October 10, 2008, on Defendant Pencom's Motion to Compel Plaintiffs to Produce Damages Analysis.

The Court has read the papers submitted in support of and in opposition to the motion, and considered the arguments of counsel and the authorities cited to 1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

28

Case No. 07-04231 (CRB)

the Court. Based on all facts in evidence and the arguments, the Court concludes that Defendant Pencom's Motion to Compel Plaintiffs to Produce Damages Analysis should be GRANTED.

IT IS ORDERED THAT:

- PEM is to comply with its obligations under Federal Rule of Civil 1. Procedure 26 and provide an adequate computation of damages for each category of damages it alleges no later than October ____, 2008.
- The stipulated Court schedule in place for this matter shall be postponed such that all dates are moved four months into the future to accommodate Pencom's need to conduct discovery on PEM's damages computation.
- If it is shown that the recent mediation was unsuccessful due to 3. PEM's failure to provide a timely damages computation at the start of this litigation, PEM shall bear the cost of an additional mediation before Former Judge Infante no later than December 15, 2008. Such a showing may be made by the lodging of declarations from the parties with this Court.

Dated: _____, 2008

Charles R. Breyer

United States District Judge

22

23 24 25

26 27

2 [PROPOSED] ORDER GRANTING MOTION TO COMPEL PLAINTIFFS TO PRODUCE DAMAGES ANALYSIS